

# Exhibit E

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

GEORGE ALLEN, JR. and  
LONZETTA TAYLOR,

Plaintiffs,

V.

Case No. 4:14-cv-01398 RWS

THE CITY OF ST. LOUIS,  
MISSOURI, ET AL.,

Defendants.

DEPOSITION OF LIEUTENANT MARK BURFORD  
TAKEN ON BEHALF OF THE PLAINTIFF  
APRIL 15, 2016  
10:00 A.M. - 3:08 P.M.

TRACI M. MERTENS, CSR, RDR, CRR  
CSR NO. 084-003234  
CCR NO. 857

A P P E A R A N C E S

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The Plaintiffs were represented by Mr.  
Farhang Heydari of the law offices of Neufeld,  
Scheck, & Brustin, LLP, 99 Hudson Street, 8th Floor,  
New York, NY 10013.

The Defendants were represented by Mr.  
Robert J. Isaacson of the Attorney General's Office,  
815 Olive Street, Suite 200, St. Louis, MO 63101.

1           IT IS HEREBY STIPULATED AND AGREED by and  
2 between counsel for the PLAINTIFF and counsel for  
3 the DEFENDANTS that this deposition may be taken in  
4 shorthand by Traci M. Mertens, a Certified Realtime  
5 Reporter, Certified Shorthand Reporter and Certified  
6 Court Reporter, and afterwards transcribed into  
7 typewriting, and the signature of the witness is  
8 reserved by agreement of counsel and the witness.

9           LIEUTENANT MARK BURFORD,  
10 of lawful age, being produced, sworn and examined on  
11 the part of the Plaintiff, deposes and says:

12 EXAMINATION BY MR. HEYDARI:

13           Q.    Morning.

14           A.    **Morning.**

15           Q.    Lieutenant Burford?

16           A.    **Yes.**

17           Q.    Lieutenant Burford, good to meet you.

18                   Can you state your full name for the  
19 record, please?

20           A.    **Mark Burford, B-U-R-F-O-R-D.**

21           Q.    Lieutenant Burford, do you have any health  
22 conditions or are you on any medications that might  
23 affect your ability to testify today?

24           A.    **No.**

25           Q.    You're a Lieutenant now. You joined the  
police force in?

          A.    **1977.**

          Q.    1977. So you have testified, I'm sure,

1           **A.    No.**

2           Q.    No lawsuits that you brought?

3           **A.    No.**

4           Q.    No? Okay. We found some tax cases in the  
5 last few years. Would those maybe have been your  
6 son also?

7           **A.    Could be. If it's tax cases it had to be**  
8 **him, not me.**

9           Q.    2009, '11, '13, '14?

10          **A.    Had to have been Junior.**

11          Q.    Lieutenant Burford, can you tell me what  
12 documents you reviewed to prepare for your testimony  
13 today?

14          **A.    I looked at a report that involved the**  
15 **initial day that we stopped George Allen, and Herb**  
16 **Riley wrote a supplemental report. I reviewed --**

17          Q.    You read that full report?

18          **A.    Yes.**

19          Q.    It's about seven pages or so, something  
20 like that?

21          **A.    Something like that; six, seven.**

22          Q.    Anything else?

23          **A.    Interrogatories.**

24          Q.    Those are the ones that I sent you -- that  
25 we sent you in this case?

1           **A.    Yes.**

2           Q.    Okay.  Anything else?  Testimony, maybe?

3                   MR. ISAACSON:  Do you want me to jump in?

4                   Tell him everything you remember.

5           Q.    (By Mr. Heydari) Did you review some  
6 testimony, maybe?

7           **A.    Oh, yeah.  I'm sorry.**

8           Q.    Okay.

9           **A.    The transcript of my testimony in that**  
10 **case -- in the case.**

11          Q.    You know we deposed Terry James yesterday.

12          **A.    I heard that, yes.**

13          Q.    Your former partner.

14          **A.    Yes.**

15          Q.    He mentioned a few other things that he  
16 had reviewed.  I'm going to ask you if you maybe  
17 reviewed them also just to jog your memory.  
18 Stipulated facts from the habeas proceedings or the  
19 habeas decision?

20          **A.    I believe I read those, yes.**

21          Q.    Okay.

22                   THE WITNESS:  Did I read the habeas?

23                   MR. HEYDARI:  Please go ahead.

24                   MR. ISAACSON:  I -- I don't -- you can  
25 correct me if I'm wrong.  I don't believe you read

1     them prior to the deposition.

2                 THE WITNESS:   Okay.

3                 MR. ISAACSON:   You have with regard to  
4     providing answers to discovery reviewed them.

5                 Q.    (By Mr. Heydari) I see.   So anything that  
6     you reviewed in connection with this case --

7                 A.    **Yes.**

8                 Q.    -- I'd want to know about.

9                 Also, Mr. James told us that he reviewed  
10    the transcript and the audio of George Allen's  
11    confession.   Was that something you looked at at any  
12    point recently?

13                A.    **No.**

14                Q.    Any other documents that you guys can  
15    think of?

16                MR. ISAACSON:   There was also the Court's  
17    order with regard to the habeas, again, correct me  
18    if I'm wrong, not with regard to the deposition but  
19    with regard to preparing discovery responses, and  
20    you looked at some trial exhibits from yesterday.

21                THE WITNESS:   Yes.

22                MR. HEYDARI:   Okay.

23                MR. ISAACSON:   You can go through those  
24    things.

25                Q.    (By Mr. Heydari) Can you tell me everyone

1 today?

2 A. Yes. It was just -- just the other day.

3 I don't remember what day it was.

4 Q. So earlier this week, maybe --

5 A. This week.

6 Q. -- or the week before?

7 A. There was a couple more times at the  
8 station we met, so probably in the area of six we  
9 met in person.

10 Q. Okay.

11 A. And then phone calls, I don't know how  
12 many.

13 Q. And during those meetings or phone calls,  
14 was anybody else present?

15 A. No.

16 Q. Just the --

17 A. Well, the first time we met, there was a  
18 -- another attorney, and I don't remember her name.

19 Q. That's fine. As long as she was another  
20 attorney. No one else was present for any of those  
21 calls or meetings?

22 A. No.

23 Q. Okay. Yesterday at his deposition,  
24 Mr. James told us that he understands that if he's  
25 found liable in this suit, if damages -- you



1 understand this is a civil suit seeking damages,  
2 correct?

3 **A. Yes.**

4 Q. He's already -- George Allen has already  
5 been released, that phase is done, and now he's  
6 seeking compensation for the time in prison.

7 **A. Yes.**

8 Q. You understand that. Mr. James told us  
9 that it's his understanding that if he's found  
10 liable, if this case goes to trial and a jury finds  
11 that he engaged in misconduct or however it happens  
12 that either the city or the state or the county is  
13 going to cover his damages. Do you have a similar  
14 understanding?

15 **A. That's my assumption, yes.**

16 Q. Okay. And that -- your assumption is  
17 based on?

18 **A. Just history with the police department,  
19 what's happened in the past with other officers.**

20 Q. So you mean other lawsuits against other  
21 officers?

22 **A. Other officers, yes.**

23 Q. Yeah. And in all those cases, the city or  
24 the county, the state, whoever it was, covered the  
25 -- covered any judgment against him?

1           **A.    To my knowledge, yeah.**

2           Q.    To your knowledge. Do you have -- can you  
3 recall any incident where an officer's damages  
4 weren't covered?

5           **A.    I don't know of any.**

6           Q.    You don't know of any. And you've been a  
7 Police Officer for --

8           **A.    38 years.**

9           Q.    -- 38 years. All with the -- and we'll go  
10 through your -- your history in more detail.

11          **A.    Uh-huh.**

12          Q.    But 38 years all with the Metropolitan  
13 Police Department?

14          **A.    Yes.**

15          Q.    And so it's your understanding based on  
16 that history that your damages could be covered  
17 also?

18          **A.    I'm under the assumption, yes.**

19          Q.    All right. Lieutenant -- sorry. I  
20 apologize if I call you Mr. Burford, but I might  
21 slip in and out.

22                Lieutenant Burford, let's talk a little  
23 bit about your personal background. Are you from  
24 the area?

25          **A.    Yes.**

1 someone you were on the lookout for?

2 **A. Yes.**

3 Q. Because you knew that he lived in that  
4 area?

5 **A. Yes.**

6 Q. And so you thought that -- so you stopped  
7 George Allen, you and Terry James. Do you remember  
8 whose decision -- I'm sorry. You and Terry James  
9 stopped George Allen on March 14th, 1982, correct?

10 **A. Yes.**

11 Q. Do you remember whose decision it was to  
12 stop him?

13 **A. No. Terry probably seen him first since**  
14 **he was a passenger, and I was driving.**

15 Q. Did you usually drive when you guys rode  
16 patrol?

17 **A. We took turns.**

18 Q. You took turns. But you remember that day  
19 that you were driving?

20 **A. Pretty sure.**

21 Q. Is that your memory, or you've seen that  
22 somewhere?

23 **A. Well, I seen that because -- what made me**  
24 **think of that is in the -- in the transcript of my**  
25 **testimony, I say that I went back, so if I went**

1     **back, I was probably the driver.**

2             Q.     What do you mean, you went back?

3             A.     When the commander called and said one of  
4     us had to leave and come back in service, I went  
5     back in service, and then there was another portion  
6     in my transcript where I say that -- when asked  
7     about the rights, I said Terry James was sitting  
8     next to me in the passenger seat, so that gave me  
9     the indication I was driving.

10            Q.     Okay. So you don't remember that; it's  
11     just something that you've seen?

12            A.     Seen and recollected my memory, yes.

13            Q.     You saw it, it jogged your memory --

14            A.     Yes.

15            Q.     -- and now you remember it?

16            A.     Yes.

17            Q.     Okay. So Terry James saw George Allen  
18     first. He made the decision to stop him, correct?

19            A.     More than likely, yes.

20            Q.     More than likely. But you made the  
21     decision together --

22            A.     Yes.

23            Q.     -- to arrest him?

24            A.     Yes.

25            Q.     That's something you would have done?

1           **A.    Uh-huh.**

2           Q.    Okay.  You remember you were there?

3           **A.    I didn't remember I was there until I read**  
4 **the transcript from my testimony.**

5           Q.    And so I take it you don't recall if you  
6 took notes or didn't take notes?

7           **A.    No.  I didn't take no notes, I'm sure.**

8           Q.    You're sure you didn't take any notes?

9           **A.    Yeah.**

10          Q.    Okay.

11          **A.    It wasn't my case at that time, so I had**  
12 **no reason to.**

13          Q.    I take it if Miss LaRose -- if Detective  
14 LaRose had asked you to take notes, of course, you  
15 would have taken notes?

16          **A.    Yes.**

17          Q.    So presumably either she -- presumably she  
18 didn't ask you; otherwise, you would have?

19          **A.    Yes.**

20          Q.    And so either she was taking notes  
21 herself, or she didn't feel that notes were  
22 necessary?

23               MR. ISAACSON:  Let me just object to the  
24 question as speculative.

25               Go ahead.

1     whether he made admissions at that point or denials?

2             **A.     Yes.**

3             Q.     Okay. Did you read Pam LaRose's -- have  
4     you read any testimony about Pam LaRose's interview  
5     or interrogation of George Allen?

6             **A.     No.**

7             Q.     I could show you the testimony if -- if  
8     you'd like, but I'll represent to you -- you know  
9     what? Actually, I'm just going to show it. I don't  
10    want to get the words wrong.

11            MR. HEYDARI: Have we marked the joint  
12    statement?

13            MR. ISAACSON: No.

14            MR. HEYDARI: Exhibit 13, please.

15            (Exhibit 13 was marked for  
16    identification.)

17            Q.     (By Mr. Heydari) Do you recall that  
18    Detective LaRose also started asking Mr. Allen  
19    questions about other rapes that he might have  
20    committed in the area?

21            **A.     She may have.**

22            Q.     Do you recall it?

23            **A.     No, I don't.**

24            Q.     Okay. So you -- she may have asked those  
25    questions, but you don't recall whether she did or

1 foundation, and it's speculative.

2 Go ahead.

3 **A. I would think so, yes.**

4 Q. (By Mr. Heydari) And -- well, you think  
5 so, or do you think they're required to do write it  
6 down?

7 **A. I think they're --**

8 MR. ISAACSON: Same objection.

9 Go ahead.

10 **A. I think they would put it down in notes,**  
11 **yes.**

12 Q. (By Mr. Heydari) Okay. I'm asking you  
13 something a little different. Especially if a  
14 suspect is arrested later in the day for a rape and  
15 murder, a Detective would be required to make a note  
16 -- make a report of their prior interview, correct?

17 MR. ISAACSON: Objection; foundation.

18 Go ahead.

19 **A. I would think so, but I don't know what**  
20 **the policy was for that unit at the time.**

21 Q. (By Mr. Heydari) Well, you've been a  
22 Detective, sir?

23 **A. Uh-huh.**

24 Q. 37 years --

25 **A. Uh-huh.**

1           **A.    No.**

2           Q.    When you took him to the holdover cell, he  
3    wasn't doing anything out of the ordinary?

4           **A.    No.**

5           Q.    He exhibited absolutely no criminal  
6    behavior whatsoever other than having shaved  
7    eyebrows?

8           **A.    No.**

9           Q.    Okay.  Have you ever used hypnosis  
10   before --

11          **A.    No.**

12          Q.    -- as a Police Officer?

13          **A.    No.**

14          Q.    Have you ever heard of other officers  
15   using it?

16          **A.    No, I hadn't.**

17          Q.    Excuse me?

18          **A.    I hadn't, no.**

19          Q.    You hadn't, but now you have?

20          **A.    I read it in one of these.**

21          Q.    Oh, I see.  So before I get to that, I  
22   want to show you -- I'll show you something.

23               MR. HEYDARI:  If you want to take a break,  
24   this could be a good time.  It's going to take me a  
25   minute to find something.



1           Q.    Do you know anything about the department  
2 policies with regard to the use of polygraphs?

3           **A.    Not really.**

4           Q.    Do you think it's possible -- well, let me  
5 ask you this.  If a polygraph is used on a suspect,  
6 I suppose on a witness, is there any question in  
7 your mind that the prosecutor needs to be told about  
8 that?

9           **A.    I -- I believe they should be told.**

10          Q.    So no question in your mind that that  
11 would have been required?

12          **A.    Yes.**

13          Q.    Okay.  Do you recall learning that George  
14 Allen was asked to strip naked at some point after  
15 his interrogation?

16          **A.    That one supplemental report indicates it.**  
17 **I didn't know that had happened.**

18          Q.    Okay.  So you weren't there for that  
19 happening?

20          **A.    No.**

21          Q.    So it must have happened at some point  
22 after you left?

23          **A.    Yes.**

24          Q.    Have you ever heard of that happening  
25 before in an investigation?